IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.177 OF 2007

Dr.(Mrs.) Gargi Sushil Rathod .. Petitioner.

Versus

Durgaprasad Shivdattrai Dadhich .. Respondent.

Mr.K.P.Anilkumar for petitioner.

Mr.V.N.Bodke i/b.Chitnis Vaithy & Co. for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 7th September, 2007.

P.C.

1. After this petition was heard for some time, I was informed that the dispute is between the petitioner-daughter and the

respondent-father. The petitioner-dauguther now seeks to put an end to all disputes. The petitioner and the respondent had several differences and disputes on account of the partnership business. The petitioner intends to approach the Arbitrator and pending the appointment of the Arbitrator, she sought interim relief in this petition.

2. The interim reliefs are sought with regard to an immovable property, more particularly, described at Exhibit-A to the petition.

3. When the petition was placed before me, I am informed by the learned Advocate, appearing for the respondent that the property at Exhibit-A has already been disposed of. One Sankalp Trust has been put in possession of this property on 4th May, 2007.

4. The learned Advocate, on instructions, states that the father (respondent) has executed an Agreement in favour of the petitioner daughter, whereunder, he has agreed to give her two flats bearing Nos.37 and 38, situate at Juhu Sea Queen Co-Operative Housing Society Ltd., Opp.Sea Princess Hotel, Juhu Tara Road, Mumbai - 400 049. A draft Deed of Gift has already been forwarded, recording this intention. The respondent states that the two flats are unencumbered and vacant. They would not be disposed off or alienated in any manner. Therefore, upon these two flats being handed over alongwith a sum of Rs.40,64,932/-, the petitioner would give up all claims against the respondent on account of the partnership business or otherwise. Both sides have decided to put an end to this dispute in this manner.

5. The respondent has taken steps to have the Gift Deeds duly registered and also make the necessary payment. He will also make arrangements for the flats being transferred in the name of the petitioner.

6. In the light of the above, at this stage, Mr.Anilkumar does not press this petition. Liberty to apply for reliefs in case of settlement does not go through.

(S.C.Dharmadhikari, J.)